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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,551	09/05/2006	Michael Foster	134188WOUS	7217
35114 7590 02/22/2008 ALCATEL LUCENT (FKA ALCATEL INTERNETWORKING, INC.) INTELLECTUAL PROPERTY & STANDARDS 3400 W. PLANO PARKWAY, MS LEGL2 PLANO, TX 75075			EXAMINER MCLEOD, MARSHALL M	
			ART UNIT 4152	PAPER NUMBER
			MAIL DATE 02/22/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/598,551

Applicant(s)

FOSTER ET AL.

Examiner

MARSHALL MCLEOD

Art Unit

4152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

1. Claims 1-23 are pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-23 are a rejected under 35 U.S.C. 10(a) as being unpatentable over del Val et al. (Patent No US 6,763,392 B1), hereinafter del Val and further in view of Real Time Streaming Protocol (RTSP) ((Schulzrinne et al. 03 March 2003) (draft-draft-ietf-mmusic-rfc2326bis)), hereinafter Schulzrinne.**
4. With respect to claim 1, del Val discloses a method for retrieving digital multimedia content from a network node (Figure 1; Column 2, lines 41-45), comprising:
 - a. generating a Real Time Streaming Protocol (RTSP) SET_PARAMETER message to said network node by a client application executing on a digital multimedia device (Column 7, lines 41-50; i.e. network node reads on server).

del Val does not disclose a message containing at least one of a playlist identifier, a media clip index and a clip offset as well as an indication of an activation time; and

- b. transferring digital multimedia content to said digital multimedia device by said network node from a particular content source identified by at least one of said playlist identifier and said media clip index, said transferring commencing at a time determined responsive to said indication of said activation time .

However, Schulzrinne discloses a message containing at least one of a playlist identifier ((Overall Operation) Paragraph 1.7, lines 1-2), a media clip index and a clip offset as well as an indication of an activation time ((PLAY) Paragraph 11.4, lines 26-36); and

- c. transferring digital multimedia content to said digital multimedia device by said network node from a particular content source identified by at least one of said playlist identifier ((Overall Operation) Paragraph 1.7, lines 1-2) and said media clip index ((Purpose) Paragraph 1.2, lines 1-21), said transferring commencing at a time determined responsive to said indication of said activation time ((PLAY) Paragraph 11.4, lines 26-36).

It would have been obvious to a person skilled in the art at the time of the invention to modify the teachings of del Val with the teachings of Schulzrinne in order to make media streaming more efficient and easier for the end user (client) through time management use of an activation time and playlist identifier.

5. With respect to claim 9, del Val discloses a system for retrieving digital multimedia content from a network node (Figure 1; Column 2, lines 41-45; i.e. client device reads on a system), comprising:

- d. means associated with a client application executing on a digital multimedia device (Column 4, lines 45-52) for generating a Real Time Streaming Protocol (RTSP) SET_PARAMETER message to said network node by a client application executing on a digital multimedia device (Column 7, lines 41-50; i.e. network node reads on server).

del Val does not disclose a message containing at least one of a playlist identifier, a media clip index and a clip offset as well as an indication of an activation time; and

- e. means for transferring digital multimedia content to said digital multimedia device by said network node from a particular content source identified by at least one of said playlist identifier and said media clip index, said transferring commencing at a time determined responsive to said indication of said activation.

However, Schulzrinne discloses a message containing at least one of a playlist identifier ((Overall Operation) Paragraph 1.7, lines 1-2), a media clip index and a clip offset as well as an indication of an activation time ((PLAY) Paragraph 11.4, lines 26-36); and

- f. means for transferring digital multimedia content to said digital multimedia device by said network node from a particular content source identified by at least one of said playlist identifier ((Overall Operation) Paragraph 1.7, lines 1-2) and said media clip index ((Purpose) Paragraph 1.2, lines 1-21), said transferring commencing at a time

determined responsive to said indication of said activation time ((PLAY) Paragraph 11.4, lines 26-36).

It would have been obvious to a person skilled in the art at the time of the invention to modify the teachings of del Val with the teachings of Schulzrinne in order to make media streaming more efficient and easier for the end user (client) through time management use of an activation time and playlist identifier.

6. With respect to claim 17, del Val discloses a digital multimedia device operable to retrieve digital multimedia content from a network node (Figure 1; Column 2, lines 41-45; i.e. client device reads on a digital multimedia device), comprising:

- g. logic for generating a Real Time Streaming Protocol (RTSP) SET_PARAMETER message to said network node by a client application executing on a digital multimedia device (Column 7, lines 41-50; i.e. network node reads on server),
- h. a player engine operable to play back streaming content (Column 4, lines 55-56) from a particular content source.

del Val does not disclose a message containing at least one of a playlist identifier, a media clip index and a clip offset as well as an indication of an activation time; and

- i. source identified by at least one of said playlist identifier and said media clip index, said transferring commencing at a time determined responsive to said indication of said activation time.

However, Schulzrinne discloses a message containing at least one of a playlist identifier ((Overall Operation) Paragraph 1.7, lines 1-2), a media clip index and a clip offset as well as an indication of an activation time ((PLAY) Paragraph 11.4, lines 26-36); and

- j. source identified by at least one of said playlist identifier ((Overall Operation) Paragraph 1.7, lines 1-2) and said media clip index ((Purpose) Paragraph 1.2, lines 1-21), said transferring commencing at a time determined responsive to said indication of said activation time ((PLAY) Paragraph 11.4, lines 26-36).

It would have been obvious to a person skilled in the art at the time of the invention to modify the teachings of del Val with the teachings of Schulzrinne in order to make media streaming more efficient and easier for the end user (client) through time management use of an activation time and playlist identifier.

7. With respect to claims 2, 10 and 18, del Val discloses wherein said RTSP SET_PARAMETER message is generated while said network node is streaming digital multimedia content to said digital multimedia device from a previously identified content source (Column 7, lines 41-51).

8. With respect to claims 3, 11 and 19, the claims are rejected for the same reasons as claim 1 above. In addition Schulzrinne discloses wherein said previously identified content source comprises a media clip and said network node continues to stream from said media clip until said media clip's boundary is reached ((SDP Attributes) Paragraph 18.7, Table 9: State: Ready, lines 20-22).

9. With respect to claims 4, 12 and 20, del Val discloses wherein said previously identified content source comprises a media clip and said network node terminates streaming from said media clip substantially immediately upon receiving another SET_PARAMETER message from said client application (Column 4, lines 45-52; i.e. RTSP encompasses the SET_PARAMETER message and it is shown by the statement in the prior art VCR remote control...provides the ability to pause, play...etc. which would include the stop/terminate feature/function.

10. With respect to claims 5, 13 and 21, the claims are rejected for the same reasons as claim 1 above. In addition Schulzrinne discloses wherein said network node comprises means for returning a Normal Play Time (NPT) value to said client application in response to said RTSP SET_PARAMETER message ((PLAY) Paragraph 11.4, lines 36-44).

11. With respect to claims 6, 14 and 22, del Val discloses wherein said digital multimedia device accesses said network node over at least one of a wireline network, a wireless network, and a cable network (Column 3, lines 64-67 and continued through to Column 4, lines 1-3).

12. With respect to claims 7 and 15, del Val discloses wherein said digital multimedia device comprises at least one of: digital music players, digital video players, computers, and handheld communication devices enabled to accept streaming media (Column 2, lines 62-67).

13. With respect to claims 8, 16 and 23, the claims are rejected for the same reasons as claim 1 above. In addition Schulzrinne discloses wherein said activation time is operable to assume a value selected from NOW ((PLAY) Paragraph 11.4, lines 50-56), END OF CLIP, and END OF PLAYLIST ((SDP Attributes) Paragraph 18.7, Table 9: State: Ready, lines 39-42).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicants disclosure.

- a. Roth et al. (Pub. No US 2004/0003101 A1) discloses improved caching control for streaming media.
- b. Choi et al. (Pub. No US 2003/0236905 A1) discloses a system and method for automatically recover from broken network connections in streaming media scenarios.
- c. Gallou et al. (Pub. No US 2007/0143490 A1) discloses a data requesting device from a data server, comprising means for sending requests of determined data to the server, means for receiving streamed data from that server and for providing said data to processing means.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARSHALL MCLEOD whose telephone number is (571)270-3808. The examiner can normally be reached on Monday - Friday 7:30 a.m-5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil El-Hady can be reached on (571) 272-3963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.M. 2/14/2008

/Nabil El-Hady, Ph.D, M.B.A./
Supervisory Patent Examiner, Art Unit 4152